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WORLD MARITIME UNIVERSITY

Dalian, China

**RESEARCH ON REGULATION OF
NON-TRADITIONAL SAFETY BEHAVIOR AT
SEA—FROM THE PERSPECTIVE OF LAW AND
POLICY**

by

YI YUNZE

The People's Republic of China

A dissertation submitted to the World Maritime University in partial

Fulfilment of the requirements for the award of the degree of

MASTER OF SCIENCE

In

MARITIME AFFAIRS

(MSEM)

2020

DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

Signature:

Date: June 26, 2020

Supervised by: Ma Mingfei
Professor
Dalian Maritime University

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ABSTRACT

Title of Dissertation: **Research on Regulation of Non-traditional Safety Behavior at Sea—From the Perspective of Law and Policy**

Degree: **Master of Science**

In recent years, as the overall situation in the world has tended to peace, there have been fewer and fewer traditional security threats at sea, while with the advent of a new era, non-traditional security threats at sea have become more serious, including piracy, smuggling, terrorism at sea, and oceans. Non-traditional maritime security threats such as pollution have greatly damaged the safety and prosperity of maritime routes.

However, due to the particularity of non-traditional security threats at sea, if you want to deal with this issue properly, you need international cooperation, which covers many aspects such as economy, security, politics, law, technology and so on. Facing this complicated situation, governments, organizations, and individuals of various countries should carry out cooperation based on policies and legal methods within the framework of IMO and the United Nations.

While introducing non-traditional security threats at sea, this article will list policy and legal related measures and discuss their feasibility. To find a truly effective response.

KEY WORDS: Non-traditional Safety Behavior at Sea, Domestic law and international law , National policy, International organizations , global cooperation

TABLE OF CONTENTS

DECLARATION.....	II
ACKNOWLEDGEMENT.....	III
ABSTRACT.....	IV
TABLE OF CONTENTS.....	V
LIST OF TABLES.....	VII
LIST OF FIGURES.....	VIII
LIST OF ABBREVIATIONS.....	IX
Chapter 1 Introduction.....	1
1.1 Theoretical significance.....	2
1.2 Practical significance.....	3
Chapter 2 Definition of basic problems of maritime non-traditional security behaviors.....	4
2.1 The meaning and characteristics of non-traditional safety behaviors at sea.....	4
2.1.1 Concept of non-traditional maritime security behaviors.....	4
2.1.2 Differences between non-traditional maritime safety behaviors and traditional maritime safety behaviors.....	5
2.1.3 Characteristics and hazards of non-traditional maritime security behaviors.....	6
2.2 Basic types of maritime non-traditional security behaviors.....	9
2.2.1 Piracy.....	9
2.2.2 Smuggling at sea.....	11
2.2.3 Acts of maritime terrorism.....	12
2.2.4 Marine pollution.....	14
Chapter 3 legal practices governing non-traditional maritime safety behaviors.....	17
3.1 Existing international legislation governing non-traditional maritime safety practices....	17
3.1.1 Legislation related to piracy.....	17
3.1.2 Legislation related to smuggling.....	18
3.1.3 Terrorism-related legislation.....	19
3.1.4 Marine pollution related legislation.....	20
3.2 Problems existing in international legislation.....	21
3.2.1 Conflict between state sovereignty and universal jurisdiction.....	21
3.2.2 Existing international conventions restrict the boarding right and the obstacles to its actual implementation.....	23
3.2.3 Different countries have different punishment standards for pirates and other actors who pose non-traditional security threats.....	24
3.2.4 Limitations exist in international judicial cooperation.....	24
3.3 Ways to improve international legislation.....	25
3.3.1 Legislative Proposals for non-traditional maritime security practices.....	25
3.3.2 International judicial cooperation strengthening.....	26
3.3.3 A global cooperation mechanism based on information technology.....	27

Chapter 4 National strategies for regulating non-traditional maritime security practices...	29
4.1 Responding to non-traditional security threats by non-traditional security means.....	29
4.1.1 Increase assistance to the least developed countries.....	29
4.1.2 Improve the construction of maritime security industry.....	30
4.1.3 Establish a maritime risk early warning mechanism.....	31
4.1.4 Encourage emerging countries to participate in maritime security governance...	32
4.2 Respond to non-traditional security threats by traditional security means.....	33
4.2.1 Strengthen patrol and strike of regional cooperation.....	33
4.2.2 Promote exchanges and learning of maritime law enforcement forces among countries.....	33
4.2.3 Conduct targeted joint military exercises.....	34
Chapter 5 China's position and strategy in dealing with non-traditional maritime security behaviors.....	35
5.1 China's position and principles.....	35
5.2 China's strategies for dealing with non-traditional maritime security behaviors.....	35
5.2.1 Actively participate in international maritime security operations.....	35
5.2.2 Actively participate in relevant international legislative activities.....	36
Chapter 6 Conclusion.....	37
REFERENCES.....	39

LIST OF TABLES

Table 1	Statistics on the number of pirate attacks in various parts of the world from 2014 to 2018	8
---------	--	---

LIST OF FIGURES

Figure 1	Piracy and armed robbery against ships in Asia 2018	28
----------	---	----

LIST OF ABBREVIATIONS

GCHS	Geneva Convention on the High Seas,1958
UNCLOS	United Nations Convention on the Law of the Sea,1994
SUA	Convention for the Suppression of Unlawful Acts Endangering the Safety of Maritime Navigation,1988
ISC 1957	International Smuggling Convention,1957
IMO	International Maritime Organization
IMB	International Maritime Bureau
WCO	World Customs Organization
ReCAAP	Asian Anti-Piracy and Armed Ship Robbing Regional Cooperation Agreement
UN	United Nations

Chapter 1 Introduction

The ocean is an important part of human life system, a strategic space for sustainable development and a treasure house of resources with huge potential. It is a major artery of world trade, a regulator of global climate and environmental change, and a wrestling field for international political, economic, scientific, technological and military competition and cooperation. Since the beginning of the 21st Century, due to the progress of navigation technology and shipbuilding technology, as well as the overall peace of the international environment, traditional maritime security threats have been gradually reduced in recent years, while non-traditional security threats at sea have gradually increased with the expansion of the scope of national security. The so-called non-traditional security threats at sea mainly refer to problems such as piracy, environmental pollution and natural disasters occurring at sea. This type of maritime security hazard is more international and global. Facts have proved that one country alone is not good enough to deal with such maritime security issues. International cooperation must be relied on. With the increasing importance of oceans in the development strategies of various countries, non-traditional maritime security threats have not only become the reference basis for national policy makers to make decisions, but also been included in the research topics of international political scientists and legal scholars. Research in the field of non-traditional security at sea, therefore, types, characteristics and harm of forms, and the formulation of policies and regulations, the international cooperation in non-traditional security are analyzed in the offshore present situation and the development direction of cooperation, to establish an effective, maritime non-traditional security laws to prevent and disposal system has important theoretical and realistic significance.

1.1 Theoretical significance

Compared with traditional security, non-traditional security has changed a lot in the aspects of behavior subject, content, security nature and solution. Special features of maritime non-traditional security threats can also be seen from these four aspects. First of all, the actors of maritime non-traditional security show diversified characteristics, including not only sovereign states, but also individuals, commercial organizations and transnational terrorist organizations. Second, non-traditional security threats in the marine field are complex and diverse, such as transnational crime (piracy, drug trafficking, maritime terrorism), environmental pollution, ecological destruction, natural disasters. The coastal countries are also faced with the severe threat of land encroachment by rising sea level. Third, due to the geographical characteristics of the ocean itself, non-traditional security threats in the marine field are more transnational and global, and the targets of security threats include individuals, organizations, regions, and the world. Based on the above characteristics, it is more difficult to manage non-traditional security threats at sea. The process is longer and more comprehensive. One country alone cannot eliminate the hidden dangers, so countries must cooperate with each other.

Facing the problem of governance of non-traditional security threats in the marine field, non-traditional security is comprehensive security and cooperative security, relying solely on military expansion (such as strengthening naval power, strengthening coastal defense, etc.), and institution building (such as the United Nations Convention on the Law of the Sea) Effective, the establishment of the International Maritime Organization, other non-governmental organizations, etc.), the recognition of concepts (such as the establishment of a unified concept of marine safety, etc.) cannot effectively solve the problem. Sovereign states, relevant

international organizations, and even individuals and other international actors should be guided by a common security concept, and on the basis of mutual benefit, cooperation, and win-win, safeguard global peace and development and other common security interests. Various means such as systems and conceptual culture are used to achieve international cooperation, and the role of international cooperation in the management of non-traditional security threats at sea is fully utilized.

1.2 Practical significance

70% of the earth's area is covered by the sea; human life and production activities are increasingly centered on the sea. The sea has not only created great wealth for mankind, but also become a breeding ground for numerous unsafe factors. For example, piracy and maritime terrorist activities occur frequently, especially in the West Africa coast, the waters off the Somali Peninsula, the Red Sea and the Gulf of Aden, the coast of the Bay of Bengal, and the entire Southeast Asian waters. The international community has been committed to the governance of non-traditional security threats in the maritime field. Although some achievements have been made, the hidden dangers of non-traditional security threats at sea are still threatening and undermining the global maritime order due to the excessive pursuit of relative benefits by sovereign states and the limited power of international organizations(Song,2011). As a land-sea complex country, China is also facing a severe maritime security situation, and its maritime rights and interests are facing unprecedented challenges. Therefore, a comprehensive and in-depth study of non-traditional maritime security threats and international cooperation is of great practical significance for maintaining and forming a new global maritime order and safeguarding the world's maritime security and maritime rights and interests.

Chapter 2 Definition of basic problems of maritime non-traditional security behaviors

2.1 The meaning and characteristics of non-traditional safety behaviors at sea

2.1.1 Concept of non-traditional maritime security behaviors

Non-traditional security is also called "new security threat". It mainly includes: acts of terrorism at sea, acts of piracy, acts of smuggling at sea, acts of polluting the Marine environment. The great threat of non-traditional security to the national or collective, even the whole human social security has become the focus of people's attention. With traditional security focuses on national security issues, focusing on the study of non-traditional security is in addition to the military and political fields of economy, society, culture, environment, ecology, information exist in a wider range of fields such as the survivability of threat, as the most basic of human survival and development security requirements, security has different connotations in different historical development period. At the present stage, peace and development have become the leading value orientation of human society, and the resulting population problems, economic problems, environmental problems and energy problems have become increasingly prominent and become a universal threat to mankind. The security threats faced by mankind have broken through the traditional sovereign borders and the security maintenance methods have broken through the traditional military means. The main body is no longer targeted at countries, but groups, organizations or even individuals. Therefore, countries around the world have paid more and more attention to, studied and responded to non-traditional security issues.

2.1.2 Differences between non-traditional maritime safety behaviors and traditional maritime safety behaviors

Compared with the traditional security threats, the non-traditional security threats at sea mainly involve "non" military fields, such as marine ecological destruction, environmental pollution, natural disasters at sea, smuggling, etc. The problem also relates to the intersection of traditional security, such as piracy, maritime smuggling, etc. These threats are not for political or military purposes, but they need to be resolved by force. Therefore, non-traditional maritime security and traditional security exist side by side creating a stack of threats. These non-traditional security issues have existed in the international community for a long time. It does not pose a universal and prominent threat to world security, and it often crosses with and attaches to traditional security; therefore they are not on the security research agenda. There is no consistent and exact theoretical definition of "maritime non-traditional security" in the academic circle, especially the research on this issue.

Most of them remain at a descriptive level, and no complete theoretical system has been formed. Compared with the traditional national security, its main body is more non-governmental, and the threats to maritime security are more hidden, shocking and trans-regional.

In the field of international security, traditional security mainly refers to the security issues related to the political, military and diplomatic fields of a country, while in the special case of the sea, traditional maritime security threats also include all the factors of maritime risks, including maritime disasters and ship collisions. Non-traditional maritime security behaviors refer to the new security threats involving the complexity of modern society in addition to the above situations, and

the division of traditional maritime security and non-traditional security is mainly based on the scope and extent of their influence. Piracy, has a long history, but given the current plague of piracy, the weapon and equipment are complete. The impact of the growing, has been far beyond the past such as a loss of the cargo, Become the main cause of unconventional security that plagues the world. Each kind of non-traditional security theory will also include the piracy, and therefore could be divided into maritime piracy non-traditional security behavior. In the security threat extent, traditional maritime safety behavior under the background of peace and development in the present topic for the world, is no longer a major threat, and the threat of non-traditional security behavior caused by the sea has the serious influence to the maritime traffic safety, efficiency and cost. Due to the political factors, some sea area have become high incidence of piracy. The increasing degree of collusion between terrorism and piracy poses a serious threat to the security of the world's major ports. The issue of non-traditional maritime security behaviors has become an unavoidable issue facing all countries in the world.

2.1.3 Characteristics and hazards of non-traditional maritime security behaviors

The objects of non-traditional maritime security behaviors are diverse. Ships traveling on the sea come from all over the world, and the surrounding coastal countries also have a huge impact on the nearby waters. This will lead to the occurrence of non-traditional maritime security behaviors, which may involve several objects, including sovereign states and regions, and endanger the interests and security of several countries and regions. With the trade liberalization brought by economic globalization, maritime non-traditional security actors also show a trend of diversification. Countries are no longer the only form of international communication.

Regions, organizations and even individuals can carry out free trade, and the resulting problems have become international. Non-traditional maritime security practices are highly disruptive. Ocean is the main artery of globalization economy. With the deepening of globalization, the dependence on ocean transportation is becoming more and more obvious. For countries with coastal ports, the export trade basically depends on sea transportation, while for island countries surrounded by the sea, sea transportation is the lifeblood of a country. The security of ocean transportation is related to the material reserve, trade stability and economic development of a country. Therefore, several important maritime trade routes in the world once become a pirate or terrorist attack object, not only can give a specific vessel damage involved, Not only will it cause damage to the specific vessels involved, but shipowners, carriers, and shippers will cause economic losses. The detention of vessels and obstacles to the passage of channels caused by the handling of cases will have an irreparable and profound impact on the stable development of the world economy. Take Malacca Strait as an example. As an important sea transport channel, the Middle East oil bound for Asia's recent channel, it often experiences pirate attacks and looting of oil tankers, not only bringing huge economic losses to the carrier and the shipper, but at the same time limits the flow of ships due to the fact that Malacca Strait sea is not wide, once an attack, the traffic flow will be blocked, hence affecting the trade in the world. Although the incidence of piracy cases in the Southeast Asia has declined with the improvement of maritime law enforcement forces in neighboring countries, the threat of piracy in Africa, especially in the Gulf of Aden, has become increasingly fierce, and the solutions to non-traditional maritime security behaviors are relatively complex. The diversity of maritime non-traditional security actors may be countries, regions, large enterprises, organizations or even individuals, which lead to the complexity of solutions. It is difficult to reach an agreement on the choice of law application in accordance with

international law or the respective laws of the countries concerned. Various types of non-traditional security behaviors are interconnected with the social conditions of different countries, which further aggravates the difficulty of governance. It is difficult to establish a mechanism to prevent non-traditional maritime security behaviors. Due to the diversity of security subjects, the complexity of their performance types makes it difficult to coordinate various stakeholders or potential stakeholders to reach an agreement or agreement in advance. Even if the agreement is reached, the restriction mechanism is restricted by different development levels, capacities and levels of all parties, making it difficult to fulfill the obligations of the agreement in a fair, effective and timely manner.(Table 1)

Statistics of pirate attacks in various regions of the world

Area Years	Southeast Asia	East Asia	Indian subcontinent	South America	Africa	Other areas	total
2018	60	7	18	29	87	0	201
2017	76	4	15	24	57	4	180
2016	68	16	17	27	62	1	191
2015	147	31	24	8	35	1	246
2014	141	8	34	5	55	2	245

Table 1:Statistics on the number of pirate attacks in various parts of the world from 2014 to 2018

Source:From Analysis of Global Pirate Attacks in the Past Five Years and Countermeasures for Pirate Hotspots. By Shipping Journal, 2010(07),34-36.(as cited in Zheng, 2010)

2.2 Basic types of maritime non-traditional security behaviors

2.2.1 Piracy

Pirates have a long history. Since man set foot in the sea, pirates were born. The golden age of piracy began in the 17th and mid-18th centuries, when it could even be supported by state power. With the growth of state power in modern times, the country has intensified its efforts to combat piracy. The Great Britain was the first country to define piracy as illegal, and the first to take action against it(Zhang,2019).

At present, there are two main types of piracy. The first type is small pirate gangs, which are highly mobile. Most of the tools used are ordinary speedboats. The activities are concentrated along the coast. The targets are mostly small commercial ships traveling along the line. Old guns, daggers, choppers and the like are mainly aimed at the cargo on merchant ships and the personal belongings of the crew. It has the characteristics of few members, relatively backward weapons and equipment, and strong guerrilla nature. It has the characteristics of few members, backward weapons and equipments, and strong guerrilla character. The second type is a large-scale criminal group, characterized by relatively fixed crime area, advanced guns, anti-aircraft guns and other heavy weapons with precise strike tools, cruel crime methods and clear division of labor within the group(Liu,2016). The main areas of activity are along international maritime traffic chokepoints, such as the Strait of Malacca, or in coastal areas. For example, Somalia, where the domestic political situation is unstable and wars are frequent. The main manifestation is that this type of criminal group has accurate control of the navigation routes and frequency information of commercial ships, especially oil tankers, in the sea area. When attacking the ship, most of the people on the ship will be killed or thrown into the sea. This type of pirate relies on long-term maritime illegal and criminal activities to

profit. The ship's camouflage technology has a professional level of navigation technology and is not easy to detect. Even if it is found by the moving ship, the ship's economic loss is very heavy due to the limited ability to respond in a short time, and it also causes the loss of the crew's lives, which seriously endangers the safety of international maritime transportation. Today's piracy crime is so widespread, the reasons can be summarized as the follows. First, it is caused by political factors. From the above discussion, it can be seen that part of the sea areas infested by large pirate criminal groups are coastal countries or regions with unstable political conditions and frequent wars. The factors of war and civil strife directly lead to domestic economic difficulties and people's livelihood. The frequent occurrence of natural disasters has worsened the people. As a result of the suffering of life, civilians have become refugees. Forced by their livelihoods, these refugees are aiming at the merchant ships that travel to and from their seas. Facing the temptation of huge economic benefits and the current situation of poverty and hunger, a large number of locals join the pirates to carry out armed robbery. Second, most of the pirate-prone areas have frequent wars. Some countries are even in a civil war. The war has destroyed the national order. They have no ability to organize effective armed forces to fight pirate crimes. Some governments or leading forces even cooperate with pirates to share some profits. The huge wealth brought about by crime, such indifference and even connivance have exacerbated the rampant degree of pirate crime. The third is that the international conventions and regulations related to combating piracy have imperfections in terms of jurisdiction, leading to piracy that deliberately walks on the edge of the law to escape punishment due to legal gaps, which also caused piracy to a certain extent. For example, the restrictions on the place where piracy occurs in the International Convention on the Law of the Sea hinders the exercise of the jurisdiction of countries that do not provide for piracy. Although the Geneva Convention on the High Seas, which entered into force

in 1962, and the United Nations Convention on the Law of the Sea, which entered into force in 1994, both stipulate the meaning and universal jurisdiction of piracy, they are based on the consideration of a country's sovereignty, except on the high seas. Or it is not under the jurisdiction of any country, other countries can attack pirates, otherwise, when piracy occurs within the jurisdiction of the relevant country or the pirate enters the jurisdiction of the relevant country, other countries cannot destroy the country. Sovereignty strikes against piracy, so it faces many problems in the fight against piracy, which has also gradually intensified the threat of piracy worldwide(Zheng,2010).

2.2.2 Smuggling at sea

Due to political instability in the Middle East and Africa, a large number of refugees have flooded into Europe, and the smuggling crisis in the Mediterranean continues to simmer. The refugee groups are mainly from Iraq, Syria, Somalia and sub-Saharan Africa affected by regional conflicts. The criminals who organized the smuggling chose to lure the refugees on the ships without any safety guarantees, drove away from the port, entered the high seas and issued a distress signal and abandoned the ship to escape. The Mediterranean coastal countries have become a huge burden to undertake illegal immigrants. And out of the constraints of humanitarianism and international conventions, coastal countries have an obligation to rescue. Italy, one of the countries influenced severely by illegal immigration, has seen its finances strained in recent years by the soaring costs of refugee resettlement and sea rescues. The number of dead illegal immigrants is high since rescue efforts were delayed due to factors such as geography and weather(Liu,2016).

At the same time, in addition to the special smuggling ships, some people will

choose to sneak into the normal operation of the ship, the impact of this ship smuggling on the shipping industry is obvious. On the one hand, stowaways will affect the normal operation of ships and damage the reputation of shipping companies, thus affecting the operation safety of shipping companies. At the same time, the uncertainty of stowaways will threaten the safety of ships and crew. On the other hand, smuggling at sea may lead to problems such as high claims and ship detention. These negative effects will add to the burden on an already weak shipping market in recent years.

Apart from countries in chaos caused by wars, developing countries also face the pressure of smuggling. Take China for example, as the world's largest and most populous developing country, the phenomenon of smuggling has a long history. From 1800 to 1925, Up to 3 million Chinese laborers were trafficked abroad in China. Most of them are from Guangdong, Fujian province. Instead of rejecting the idea of being a stranger, the locals are not opposed to smuggling out of the country, they are encouraged to go out. Due to the fact that locals have more overseas relations, it is easier to survive out of the country, and the smugglers have very good illusions about the smuggling itself. Today, these places are mostly the places where smuggling occurs at sea.

2.2.3 Acts of maritime terrorism

In 1988 the International Maritime Organization adopted the Convention for the Suppression of Unlawful acts Endangering the Safety of Maritime Navigation (SUA) to combat maritime terrorism. Some scholars point out that the crime of maritime terrorism is the act of piracy in the political field. (Wang, 2018) Some scholars also

believe that maritime terrorism is a series of violent activities damaging port facilities, endangering marine security, including marine ecological security and maritime navigation safety, and robbing ships and endangering the safety of persons and property on ships. To sum up, the act of terrorism at sea can be defined in this way, that is, any politically motivated act that, by means of violence, endangers the normal activities of the sea by treating ships, property or persons on board, port facilities, etc., as objects of destruction.

There are two main types of acts of terrorism at sea. One is that ships are used solely as means of transport to carry weapons, personnel and materials needed to carry out illegal acts. The other is to attack and hijack the ship or its personnel in order to intimidate the parties concerned in order to satisfy their political demands, or to cause public panic. The reason for the frequent occurrence of maritime terrorism lies in the deepening understanding of the international community on terrorism, relatively mature legislation and response measures on land terrorism, and it is difficult to carry out large-scale terrorist attacks similar to the 9.11 attacks on land, which are mostly manifested in localized small-scale attacks. The mobility of maritime space determines that it is difficult to form routine inspections on land and targeted legal regulations, at the same time, if the large port and an important channel in marine terrorist attacks, the impact duration and degree of terrorist attacks will be land incomparable, it more in line with the terrorists to expand political influence. There is no well-targeted international legislation on terrorism.

In terms of characteristics, firstly, maritime terrorism generally has a political purpose, which is to arouse public panic or intimidate the government. Secondly, maritime terrorism is characterized by its violent and dangerous acts. The use of extreme violent means poses a great threat to the peaceful order of the international

community. Third, the subject is non-state and non-governmental. State acts of force are governed by the laws of war, and the SUA Convention also makes it clear that government ships and warships are not subject to this Convention. Fourth, maritime terrorism attacks non-military targets such as attacking seaports and hijacking cargo ships.

International cooperation becomes more important as countries are often confronted with the dilemma of not knowing what to do in combating terrorist acts at sea. In recent years, some pirates and terrorists have gradually integrated. The huge ransom obtained from pirate acts can become the fund for terrorist groups' activities, and the stronger force and organization of terrorist groups can also improve the success rate of maritime hijacking. In the face of the increasing difficulty in defining piracy and maritime terrorism, governments should work together.

Since pirate terrorism and piracy in the future will not just for ransom, the killing of crew, the destruction of the ships will be likely to increase, especially in the Straits of Malacca and Straits of Hormuz. Moreover, devastating attacks on large oil tankers or chemical tankers will pollute and hinder key sea areas, causing huge losses to the world shipping industry.

2.2.4 Marine pollution

"Marine environment" is an integral whole composed of seawater bodies of water. Marine organisms living in them, seabed, subsoil, coast, tidal flat and the atmosphere near the sea surface. According to the Convention on the Law Of The Sea, the so-called "pollution of the marine environment" means that "human direct or indirect introduction of substances or energy into the marine environment, including the estuary, cause or may cause damage to biological resources and marine life, harm

human health, hinder, including fishing and other legitimate USES ocean marine activities, damage the use quality of sea water and degradation of environment harmful effects.

Compared with terrestrial environmental pollution, marine environmental pollution has the following characteristics. First, International. Most of the land-based environmental pollution is limited to a relatively small range, and its diffusibility is weak. Compared with the spread of marine pollutants, the range is smaller. The ocean is flowing. Due to the influence of ocean currents, the diffusion rate of marine pollution will be very fast. The scope of impact is also extremely wide, so the prevention and treatment of marine pollution often involves multiple countries and has a strong international character. Second, severity of the hazard. The range of marine environmental pollution is large, and the pollutants flowing into the ocean cannot continue to be transferred. For the elimination of pollutants in the ocean, in addition to human external control, only the self-purification ability of the ocean can be relied on, and the rate of degradation and precipitation of the ocean itself is very slow. Pollutants remain in the marine environment for a long time, which is extremely harmful to the natural ecological environment and the safety of shipping. Third, complexity of jurisdiction. According to the United Nations Convention on the Law of the Sea (UNCLOS), the world's oceans are divided into internal waters, territorial seas, exclusive economic zones, adjacent zones, high seas and other parts, each of which has the same legal nature. Among them, different countries have different jurisdictions. Therefore, in practice, the exercise of maritime jurisdiction is restricted by many conditions, and pollution often involves the territorial waters of many countries; so international cooperation is needed. Fourth, Difficulty in prevention. Marine environmental pollution occurs on the sea that is more difficult to monitor, and the sources of pollution are diverse. Both land and sea may become the

source of pollution of the marine environment. Once an environmental pollution event occurs, due to the large scope and serious harm of the pollution itself, marine pollution control work The high cost, complicated technology, and difficult work often require cooperation from other parties and international cooperation. These factors all make it very difficult to control and prevent marine environmental pollution(Liu,2016).

In recent years, the problem of marine environmental pollution and marine ecological destruction has become prominent, threatening the marine ecological environment security. Marine pollution includes offshore oil and other oil pollution, radioactive material pollution, toxic and harmful chemicals pollution, marine garbage and other solid waste pollution. The fundamental cause of marine environmental problems lies in human activities, mainly for the following reasons. First, human beings discharge pollutants such as sewage, waste and ship pollution leakage into the sea. Second, mankind has overexploited marine resources, such as land reclamation, offshore exploration and exploitation, and over-capture. Third, the population is concentrated along the coast. The concentration of population in coastal cities has exerted great pressure on the Marine environment, and the marine ecological environment is also facing a great test. As a result of these pollution intensification, marine biodiversity, seawater quality has been greatly damaged. Humans and other organisms also cause a variety of physical damage after eating contaminated marine organism. It can be seen that the prevention and control of pollution is closely related to the future of mankind.

Chapter 3 legal practices governing non-traditional maritime safety behaviors

3.1 Existing international legislation governing non-traditional maritime safety practices

3.1.1 Legislation related to piracy

Article 100 of the United Nations Convention on the Law of the Sea (UNCLOS) explicitly obligates States to cooperate in the fight against piracy, and further clarifies the limits of jurisdiction in the fight against piracy, which applies only to ACTS committed on the high seas or where there is no clear state declaration of jurisdiction. Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) provides more detailed provisions on the offence of piracy. Under that article, first, the subject of the crime of piracy was restricted by the requirement that it must be a crew member, crew member or passenger on a private ship or aircraft. In such a case, the victim should appeal to the flag state if he has the opportunity to seek assistance. But if a mutiny is committed by a public ship or even a state warship, cruising the sea in search of a target, the act of violence is regarded as piracy(Wang,2018).

The subjective aspect of piracy must be intentional. The intent here refers to the intentional perpetration of unlawful violence, not merely the intent to intercept property or the intent to rob, that is, to commit unlawful violence at sea, even if for other non-material purposes, is an act of piracy. Piracy is usually committed for private purposes. If it is for political purposes, it cannot be regarded as piracy. How private and political purposes should be distinguished is not clearly stipulated in international legal conventions. A mechanical interpretation of this subjective aspect of piracy would make it impossible for terrorist acts at sea to be governed by the provisions of the United Nations Convention on the Law of the Sea, since most

terrorist acts at sea are politically motivated.

3.1.2 Legislation related to smuggling

The International Convention on Human Smuggling adopted in 1957 is the first international convention on human smuggling. Although the convention has not yet entered into force, it is still of great reference value. Detailed rules for the convention found immigrants after the handover, receive, settlement, the choice of the specific procedures and use a series of problems, such as allocating relying on international multilateral cooperation to combat smuggling is its outstanding characteristics. In December 2000, it is signed by 118 countries and regions against transnational organized crime convention is the first in the field of crime a legally binding document. In Article 7 of the Convention, it is emphasized that States parties should cooperate to the fullest extent possible to prevent and combat smuggling of migrants by sea, in accordance with the provisions of the international law of the sea. Following the terrorist attacks of September 11, 2002, The International Maritime Organization passed the amendments to the 1965 Convention on Facilitating International Maritime Transportation in 2002. Measures and recommendations to deal with smuggling cases were incorporated into the Convention in this amendment, and new regulations on attempted smuggling were added. Regulations: "A person attempting to smuggle means a person who is hidden on the ship or in the cargo loaded on the ship without the consent of the owner or master of the ship or any other person in charge, and was found on the ship before the ship left the port "This increase in regulations for attempted smuggling means that the international community has increased its efforts to combat wave smuggling and expanded the scope of regulation of smuggling at sea. This part of the standard for domestic

sanctions was revised in the latest amendment adopted in 2016. The State party is required to include in its domestic legislation the legal basis for allowing prosecution of stowaways, attempted stowaways and any individuals or companies that are intended to help stowaways enter port areas, ships, cargo or cargo containers.

3.1.3 Terrorism-related legislation

As the leading force in the world's counter-terrorism, the United Nations has always played an important role. However, in the field of maritime counter-terrorism, the United Nations does not yet have a complete set of international legislation. It can only be used as a legal basis for maritime counter-terrorism from a part of the relevant treaties formulated by the United Nations. Therefore, there is no clear conceptual definition of maritime terrorism, which will As a result, there is no universal standard in practice to determine which criminal acts are terrorist acts at sea, which is not conducive to targeted attacks. Only after the Achille Lauro incident did international organizations truly realize the seriousness of the dangers of terrorism at sea. Given the tragic consequences of the case, the international maritime organization (IMO) passed the illicit behavior harming sea convention (SUA) of the convention on maritime terrorism, but the convention merely lists the three kinds of maritime security endangering behavior, and there is no clear definition or scope of maritime terrorism. International organizations remain cautious about the intensity and scope of the fight against maritime terrorism. The SUA Convention is clearly too conservative in this regard, as only universal jurisdiction is the most effective means of combating the transnational sovereignty of the incidents on which ships drift at sea. In terms of landing rights, the SUA Convention does not explicitly provide for landing rights for ACTS of terrorism at sea. It still follows the provisions on landing rights in the United Nations Convention on the Law of the Sea

and the Convention on the High Seas, that is, it does not include ACTS of terrorism at sea as suspected ACTS that may warrant landing inspection on merchant ships. Limiting boarding to flag states would also undoubtedly encourage the proliferation of maritime terrorism.

3.1.4 Marine pollution related legislation

The International Conference on The Prevention and Control of Marine Oil Pollution held in London in 1954 marked the beginning of international Marine environmental protection. Forty-two countries signed the International Convention for the Prevention of Marine Oil Pollution. The Convention establishes international standards for oil pollution. Its main content is to regulate marine environmental pollution caused by ships. The First United Nations Conference on the Law of the Sea, held in 1958, adopted the Convention on the High Seas, the Convention on the Continental Shelf, the Convention on the Zones Adjacent to the Territorial Sea and the International Convention on the Protection of Fish Stocks and Other Living Stocks on the High Seas against disruption of Marine Life chains. Some of these conventions are related to the protection of the marine ecological environment and marine ecological resources. But these conventions are not aiming at the protection of the marine environment, so their role is relatively limited. With the deepening of research on the marine natural environment and the continuous improvement of mankind's understanding of biodiversity, part XII of the 1982 United Nations Convention on the Law of the Sea specifically provides for the safety and protection of the marine environment. The United Nations Convention on the Law of the Sea is a special document for the protection of the marine environment. Its signature marks a milestone in the rapid development of legislation for the protection of the international marine environment.

Although there are many international or regional conventions for the protection of marine environment, they are not formulated from the perspective of non-traditional maritime security behaviors, and these conventions are often overlapped each other in content. Due to the transnational and mobile nature of non-traditional maritime security behaviors, it is obviously difficult to effectively regulate them by relying on a certain international or regional convention.

3.2 Problems existing in international legislation

3.2.1 Conflict between state sovereignty and universal jurisdiction

In fact, universal jurisdiction originated from the international law practice of piracy, and it is generally believed that piracy is the enemy of all mankind. At present, international legislation on the jurisdiction of piracy includes the Convention on the High Seas and the United Nations Convention on the Law of the Sea. Under article 15 of the Convention on the High Seas and Article 100 of the United Nations Convention on the Law of the Sea, all States have an obligation to cooperate internationally to the maximum extent possible to stop ACTS of piracy on the high seas or anywhere outside the jurisdiction of any State. Article 19 of the Convention on the High Seas states: "On the high seas or outside the jurisdiction of any State, every State shall have the right to seize a pirate ship or aircraft, or to seize a ship under pirate control, to arrest persons on board the ship or aircraft and to seize property on board. The court of the holding country may impose a corresponding penalty on the relevant criminal suspect(Mo,2015)." According to the above provisions, the convention on the high seas, the United Nations Convention on The Law limits the national regional scope of the exercise of universal jurisdiction over piracy. This will certainly lead to the application of the specific defect, which is

missed in a country within the jurisdiction of the piracy, leading to the result that other countries cannot punish piracy happened in other countries' territorial waters based on the principle of respect for state sovereignty. In other words, when a pirate is being pursued by a navy of one country, he has a greater chance of escaping by simply fleeing into the territorial waters of another country. Considering the coordination between the principle of universal jurisdiction and the principle of state sovereignty, according to the principle of universal jurisdiction, any country has the right to jurisdiction over international crimes such as piracy, regardless of whether it has any substantive connection with the crime. The essence of jurisdiction is the embodiment of state sovereignty. The compromise of universal jurisdiction in practice hinders the practical effect of dealing with piracy and maritime terrorism in reality, and becomes the umbrella under which criminals use other countries' sovereignty to evade capture.

At present, countries can exercise universal jurisdiction over the crime of piracy, but other criminal ACTS with transnational factors, such as maritime terrorism, illegal robbery of ships, smuggling and trafficking in persons at sea, etc. have different degrees of combating by their domestic legislation. If both parties are parties to an international convention, the determination of the crime mentioned above shall be subject to universal jurisdiction if either party is deemed to be a purely international crime. However, the domestic criminal law of another country is recognized as an ordinary criminal crime and applies the principle of individualistic or territorial jurisdiction (Ma, 2012).

At this time, it is easy for the two countries to have a conflict over whether to interfere in the sovereignty of other countries. Such inconsistency in the provisions on the categories of crimes under universal jurisdiction will limit the application of

universal jurisdiction and is not conducive to combating the crimes in dispute. Therefore, how to resolve the conflict between national sovereignty and universal jurisdiction in international law should be the key issue that must be overcome to resolve non-traditional maritime security behaviors.

3.2.2 Existing international conventions restrict the boarding right and the obstacles to its actual implementation

The *SUA Convention 2005 Protocol* has made significant amendments to the provisions on obtaining the right of landing. It provides that the presumption can be applied with the consent of the flag state to exercise the right of landing. This amendment will undoubtedly greatly facilitate the exercise of the right of landing. However, it still has not fundamentally amended the provisions on boarding rights in the SUA Convention, and the flag state still has the initiative to boarding rights. In practice, such as the situation where mandatory boarding is required, under which circumstances the boarding country can have the right of mandatory boarding, the Protocol still does not give clear provisions. And this kind of compulsory landing right is of great significance in practice to prevent terrorist acts at sea. Because terrorist acts at sea include smuggling prohibited or toxic and hazardous chemicals to the port of destination to launch a terrorist attack. If the boarding country has sufficient evidence to show that dangerous goods exist on the ship under inspection, but the flag State refuses, then the request for boarding will cause irreparable losses and injuries. At the same time, the protocol also faces the domestic laws of most countries that still impose various restrictions on the right of access. International law currently does not provide for the exercise of universal jurisdiction over terrorist acts on the sea, which has led to a significant reduction in the scope of application of the right of presumption of consent in the 2005 Protocol of the SUA Convention.

3.2.3 Different countries have different punishment standards for pirates and other actors who pose non-traditional security threats

Although the United Nations Convention on the Law of the Sea (UNCLOS) clearly defines piracy as a crime within the scope of universal jurisdiction, it does not provide a uniform standard of punishment for piracy in international law. This would lead to the possibility that, in the event of a criminal act of piracy, any State capable and willing to exercise jurisdiction could do so on the basis of the principle of universal jurisdiction contained in the Convention. This means that although piracy is an international crime, it is actually tried under the domestic law of the State exercising universal jurisdiction over it. This will give rise to two problems. First, different national laws on piracy crimes lead to different punishments. Moreover, some countries who do not even have separate laws and regulations on piracy crimes, can only conduct trials in accordance with general criminal crimes. The second is that if a coastal country in a pirate crime case apply for the exercise of universal jurisdiction, it can only choose the country to be tried based on the principles of proximity and convenience, based on the country's domestic law, but if different countries target the same The fact that pirate crimes have different sentencing standards will result in unfairness, which is inconsistent with the international community's goal of cracking down on piracy crimes(Wang,2019).

3.2.4 Limitations exist in international judicial cooperation

With the development of international law and the continuous development and deepening of international judicial cooperation, the recognition and enforcement of the judgments of international criminal court has gradually become a concern of theoretical and practical circles. The Nuremberg and Tokyo trials after the Second World War were the first international criminal trials. The AD hoc International

Criminal Tribunals for the former Yugoslavia established by the United Nations Security Council in 1993 and 1994 respectively are the main international criminal judicial institutions. This raises the question of whether judgments by international criminal tribunals on non-traditional security ACTS at sea can be recognized and enforced by other states. Although the International Criminal Court provides a system of penalty enforcement for reference, there is no specific enforcement agency, so the recognition and enforcement of the international criminal Court judgment depend on the state. A State is a member of the International Criminal Court, whether a State party or a non-State party, and can only recognize and enforce the court's judgments on the basis of national recognition. Jurisdiction over non-traditional maritime security practices also requires the consent of states parties. Moreover, the International Criminal Court requires relevant countries to recognize and implement their judgments, which should not only comply with relevant provisions of international law, but also strictly abide by the principles of state sovereignty and non-interference in internal affairs. According to treaties concluded by states parties, the jurisdiction of the International Criminal Court over international criminal crimes is based on the consent of states parties.

3.3 Ways to improve international legislation

3.3.1 Legislative Proposals for non-traditional maritime security practices

Although international legal norms stipulate that the Contracting States have the responsibility to take legislative, judicial, and law enforcement measures to prevent and combat non-traditional security acts at sea, this is only a provision on paper, and the effective exertion of its effectiveness will ultimately remain between the relevant Contracting States. The contents of the Convention shall be specifically implemented through bilateral treaties or in domestic law. The existing jurisdiction system for

non-traditional security acts at sea is not sufficient. A jurisdiction mechanism that is based on universal jurisdiction and supplemented by territorial jurisdiction, personal jurisdiction and protective jurisdiction should be established. The intensity of non-traditional security behaviors has reduced the space for non-traditional security behaviors at sea.

3.3.2 International judicial cooperation strengthening

Conflicts occur frequently in the world, and the interest demands of different countries differ greatly. However, in the context of globalization, problems caused by maritime non-traditional security behaviors need to be solved through cooperation among countries. Therefore, it is necessary to fully coordinate the relations among countries when legislating on maritime non-traditional security. As a platform for effective global cooperation, the United Nations must continue to play its inherent role. Other global international organizations other than the United Nations are also effective forces that can coordinate states. For example, the International Maritime Bureau (IMB) and the World Customs Organization (WCO) have taken corresponding measures within the legal framework of the United Nations, such as anti-terrorism and anti-piracy, to promote the development of national security strategies in the direction of cooperation. However, the Convention can only regulate the behavior of parties. Once a contracting party or a signatory country breaches the provisions of the Convention, the convention cannot punish the violator, that is, it has no actual punitive effect, but can only achieve sanctions through other means. The disadvantages of relying solely on international conventions to regulate non-traditional security at sea are many. In terms of legislation, attention should be paid to balancing the relationship between non-traditional maritime security behaviors, maritime non-traditional security factors and traditional maritime security

behaviors, which are mutually implicated and influenced. Attention should be paid to the conflicts and contradictions between the convention and the domestic laws of each country. In the judicial field, on the premise of respecting the sovereignty of states, we should actively exercise the universal jurisdiction conferred by the Convention. With regard to maritime security, different parties have different national conditions and uneven economic development levels. As a result, the implementation of the same conventions and agreements may encounter some difficulties. Consideration may be given to establishing a fund, to be financed by states parties to the Convention or agreement, as an economic safeguard against future routine maintenance and crime. Interregional cooperation has been a more effective approach in recent years and has been widely supported and recognized by relevant countries. Regional cooperation mainly takes multilateral agreements or relevant regional organizations as the carrier to conduct in-depth dialogue and cooperation and jointly safeguard the security of specific sea areas.

3.3.3 A global cooperation mechanism based on information technology

The development speed of the world today, such as pirates, maritime terrorism, smuggling and other non-traditional security threats are quite rapid, especially the status of the Internet. In the modern industry, the non-traditional security threats in the future may also rely on the Internet of things and the Internet to develop new models, so an information sharing platform based on modern information technology is very important to all over the world(Wu,2017). For example, the successful operation of ReCAAP ISC provides a relatively mature and feasible example for legal regulation of maritime non-traditional security, namely, the model of constructing legislation and supporting response mechanism. Under the guidance of the content of the Convention, a regional information sharing center will be

established(Figure 1). The operation mode of the center is the dynamic practice of the contents of the Convention, and the participation of all parties is the observance of the Convention. In this way, each party's response to the threat of non-traditional maritime security behaviors will be provided with real-time feedback of information, which will be fed back to the center, processed and analyzed in combination with previous data to provide intellectual support to the vessel under threat, make judgments and guide the next action. This process requires a strong background handler and a lot of data support. This model can be used to deal with terrorism at sea and smuggling at sea. In order to deal with the changeable potential security threats, the data tracked and monitored by the relevant mechanism should be timely and regularly amended in part of the convention or agreement. This cycle can be determined according to the nature of the convention and the scope of the agreement. This will play a good supervisory role for the implementation of the convention. It can also enable the hard-won convention to keep pace with the changing times and play a positive role.



Figure 1. Piracy and armed robbery against ships in Asia 2018

Source: from ReCAAP Maritime Piracy and Armed Robbery Information Sharing Centre, by ReCAAP, 2018

Chapter 4 National strategies for regulating non-traditional maritime security practices

4.1 Responding to non-traditional security threats by non-traditional security means

4.1.1 Increase assistance to the least developed countries

The emergence of piracy and people-smuggling is often associated with poverty and chaos in the surrounding coastal states. Somalia is one of the least developed countries in the world. The economy is dominated by animal husbandry and the industrial base is weak. In the early 1970s, due to the aggressive nationalization policy, natural disasters and other factors, the economy was in serious difficulty. Years of war have brought untold sufferings to the Somali people. The internal crisis has been exacerbated by increasing numbers of refugees, who are living in precarious conditions, soaring food prices, excessive inflation and natural disasters such as drought. Frequent violence in the country has prevented the humanitarian efforts of agencies such as the United Nations from being able to deliver food and other necessities to Somalia, and if they do get in, they cannot be properly distributed and are subject to looting. The security situation in Somalia has further deteriorated, with refugees deprived of food and clothing, and increased violence. So piracy is just a form of violence at sea (Lv, 2015). These actions, supported by refugees and residents, have made piracy more frequent and brutal. In the case of stowaway, the starting places of stowaway are often poor and war-torn countries, such as Libya and Syria along the Mediterranean coast, etc. Due to the long civil war, a large number of refugees even at the risk of dying in the Mediterranean Sea will stowaway to Europe, resulting in a large number of cases of stowaway. Whether it is piracy or smuggling, the root cause is the country's turmoil and poverty. In order to fundamentally

eliminate the pirates and smuggling, the ability of countries in the world and international organizations should take political means to promote peace in conflicts, authorization framework, at the United Nations to send peacekeeping troops to protect the stability of the region, with economic aid to alleviate poverty hunger in conflicts, the action of the national level not only can reduce the pirates and the dangers of crossing, can also carry forward the humanitarian spirit and safeguard the stability of the region for a long time.

4.1.2 Improve the construction of maritime security industry

Somali pirates often roam the Gulf of Aden and parts of the Indian Ocean. Many countries have sent warships to the Gulf of Aden and the Indian Ocean to conduct maritime law enforcement or escort missions, and the operation has achieved remarkable results. The number of ships hijacked by Somali pirates has been greatly reduced. However, with the help of mother ships, Somali pirates have extended their activities to the deep waters of the Indian Ocean. As a result, the disadvantages of maritime law enforcement have become increasingly prominent and "security gap" has emerged. In order to protect ships, personnel and property on board, shipping companies have changed the previous strategy of relying solely on military forces to passively guard against pirates and started to turn their attention to private armed security escort services provided by private maritime security companies. The better anti-piracy effect makes the private armed security has been recognized by the international shipping industry(Cai,2016).

Private armed guards can use weapons to defend themselves against pirates, raising concerns about the legal issues surrounding the use of force by private armed guards. In general, private armed guards have the right to use force in self-defense or in

defense of others. However, in order to prevent excessive use of force resulting in increased levels of maritime violence, the guidelines of some countries require private armed guards to respond to different levels of pirate attacks and avoid the use of force as far as possible. In deciding on the use of force, private armed guards are generally expected to obey the captain's orders. Private armed security guards have the right to detain captured pirates for a short period of time, but should turn them over to the law enforcement authorities of the warship or coastal state as soon as possible. As a result of changes in the location of ships, private armed guards may be subject to multinational jurisdiction, which requires them to fully understand and comply with the laws of the relevant countries, including the legal provisions on the use of force. Private armed security guards who violate the laws of relevant countries should bear corresponding legal responsibility and the illegal use of force by private armed security guards will bear criminal responsibility. At present, there is no international convention on private armed escort. The IMO has issued two guidance documents on private maritime security companies. However, these international documents or guidance documents lack legal binding force, which makes it difficult to effectively regulate private armed security escort from the international level. Therefore, effective legal regulations should be made on private armed security escort, international rules should be formulated, domestic laws of various countries should be improved, and the professionalism and legitimacy of private maritime security companies should be enhanced.

4.1.3 Establish a maritime risk early warning mechanism

With the increasing impact of maritime non-traditional security risks on maritime transport, it is necessary for the shipping industry to carry out more detailed studies on the safety of maritime freight channel and maritime non-traditional security risks.

Non-traditional security risk warning of sea freight channel includes the whole process of risk analysis, prediction and response. Such early warning mechanism should take big data as reference. It also needs to consider different water area in geography, political factors such as space. The data model should be built relying on international networking updated in real time, the risk types and different area of non-traditional security degree so as to remind the law enforcement power and reasonable coping with ships(Sun,2019).

4.1.4 Encourage emerging countries to participate in maritime security governance

Emerging countries are a special group in global ocean security governance. These countries benefited from economic globalization and their economic strength increased significantly. They have gradually paid attention to maritime rights and interests, to development of maritime safety administration power and to governance practices. These emerging maritime management power, will greatly promote the safety of the ocean all around the world, in the fight against piracy, smuggling, terrorism since they can provide new strength. These emerging countries can also effectively improve the local waters in marine pollution crisis handling capacity. For example, Japan provided economic and technical assistance to countries around the Strait of Malacca to help them build their own maritime law enforcement forces. This behavior helped emerging countries strengthen their own maritime law enforcement capabilities, contributed to the security of the waters of Malacca, and indirectly protected many Japanese merchant ships passing through the waters. But emerging countries are still constrained by traditional maritime powers in participating in global maritime security governance(Ge,2020). Under the influence of geopolitics and international situation, the two sides may face confrontation, but maintaining

necessary cooperation and properly managing differences is of positive significance to world maritime security.

4.2 Respond to non-traditional security threats by traditional security means

4.2.1 Strengthen patrol and strike of regional cooperation

Maritime trade routes are the lifeline of a country, and it is very important to ensure maritime traffic safety. With the increasing non-traditional security threats to sea lanes, traditional security measures have been playing an important role in patrolling and combating piracy, maritime terrorism, smuggling, drug smuggling and other transnational maritime crimes, as well as in dealing with maritime emergencies and maintaining the safety of sea lanes. Naval patrols in the Gulf of Aden, Malacca and other piracy-infested waters have greatly improved the security of these waters, but on this basis, the navies of all countries should further strengthen cooperation, enhance intelligence exchange and resource sharing, and further enhance the efficiency of military strikes against illegal acts.(Chen,2015)

4.2.2 Promote exchanges and learning of maritime law enforcement forces among countries

Maritime law enforcement forces also play a vital role in search and rescue work. The laws of various countries clearly stipulate that disaster relief work is one of the responsibilities of maritime law enforcement forces. The maritime law enforcement forces and military forces of all countries in the world have a large number of professional rescue personnel and equipment. In view of the international nature, complexity, and professional nature of such issues, law enforcement agencies of various countries and the military should strengthen mutual trust and communication in this regard, and strengthen mutual learning in rescue techniques and equipment.

4.2.3 Conduct targeted joint military exercises

All countries in the world are striving to enhance and strengthen coordination and cooperation in key areas in the field of humanitarian relief and relief as well as anti-piracy and other non-traditional security fields. The international joint military exercise is an effective means to strengthen coordination and cooperation in the field of maritime non-traditional security. Due to the complexity, emergence and transnational characteristics of non-traditional maritime security, international joint military exercises are a good way to strengthen exchanges and cooperation and play a deterrent role.

In recent years, taking the Pacific region as an example, one significant feature of the cooperative military exercises is the increasing number of maritime non-traditional security factors, including anti-piracy and maritime terrorism exercises, search-and-rescue and disaster relief exercises, and maritime emergencies exercises. Take Japan as an example. It has conducted anti-piracy exercises with southeast Asian countries such as the Philippines, Singapore and Malaysia, as well as India, Russia and the United States. For example, Japan and Russia have held joint training every year since 1998. In October 2014, the Japanese Maritime Self-Defense Force and the Russian navy held joint training related to rescue and anti-piracy in the waters near Vladivostok in the Sea of Japan. Through these multilateral and bilateral non-traditional security cooperation exercises, countries have deepened their coordination and cooperation in non-traditional security and accumulated mutual trust, which is very important for safeguarding the regional maritime security environment.

Chapter 5 China's position and strategy in dealing with non-traditional maritime security behaviors

5.1 China's position and principles

As non-traditional maritime behaviors that pose a threat to international maritime transport are obviously transnational, they cannot be effectively fought by one country alone. Especially for the implementation of One Belt And One Road initiative in China, extensive and in-depth cooperation with relevant countries is required.

5.2 China's strategies for dealing with non-traditional maritime security behaviors

5.2.1 Actively participate in international maritime security operations

Under the principle of state sovereignty and within the framework of international law, China should take an active part in international legislative activities. As a contracting party of most international treaties, China seems to have achieved the participation in international legislative activities consistent with its status as a big country. However, the main reason for the formulation of many treaties is that China is a permanent member of the United Nations and a member of the International Maritime Organization. This needs China's participation to enhance its legitimacy and rationality. In fact, China has not actively and fully expressed its own opinions. Therefore, China should take an active part in the formulation of international treaties, respect international customs and fully express its own demands, put forward opinions in combination with relevant provisions of domestic laws and seize the initiative and discourse.

5.2.2 Actively participate in relevant international legislative activities

Strengthening international legislative cooperation includes both bilateral and multilateral cooperation. At present, China has done relatively well in participating in the formulation of international treaties, but the regional legislative cooperation still needs to be improved. Although there are many conflicts in the application of law in regional cooperation, it is undeniable that regional cooperation organizations are indeed more effective in combating non-traditional maritime security behaviors. Strengthening regional cooperation, promoting the establishment of regional agreements and supporting mechanisms are the best options for China to address non-traditional maritime security issues. Although there are a large number of regional organizations that China has joined, relatively few of them take the lead in regional legislative activities. As a result, some regional agreements are in conflict with China's national interests, which is inconsistent with China's status as a developing country. So China should improve the voice in the regional cooperation, mainly through active participation in regional legislation activities, reasonable valid in their own interests and actively solving the problem of regional legislation. States parties that have actively applied for other treaties or agreements to extradite criminals to our country for trial under the jurisdiction of our country, actively cooperate with judicial assistance applications filed by other States parties, and no longer rely on the application of reservation clauses to regulate criminal behavior but actively from Seeking a solution in the international conventions, treaties and agreements that have joined.

Chapter 6 Conclusion

Non-traditional security threats at sea emerged with the background of the rapid development of globalization and the emergence of the "new security concept" represented by comprehensive security. They are security threats beyond the traditional military and political security fields. As the importance of oceans has increased in the development strategies of countries, non-traditional security threats on the sea have not only become the reference basis for decision-making by national policy makers, but have also been included in the research topics of international political scholars and legal scholars. The special geographical characteristics of the ocean, and the increasing importance and strenuousness of the international community for traditional terrorist attacks, forcing terrorist organizations to move to the sea, determines that the harm of non-traditional security at sea to the international community is more regional and international. In turn, it determines the important role of international cooperation in managing such threats. In this process, national strategies and policies are the basis for practice, while the construction of national legislation and international law is the guarantee and basis for implementing measures. Only by combining the two can we better guarantee the fairness and effectiveness of international cooperation and enhance the response to the traditional security threats. Although the international community will inevitably disagree on the sovereignty of the territorial sea when it involves national interests, as the non-traditional security threats at sea are highlighted, this should be a crisis faced by all mankind. It is impossible for a single country to solve it. International organizations such as the United Nations and regional organizations composed of various countries have made great contributions to solving this crisis. I believe that with the continuous improvement of international legislation and regional cooperation, non-traditional maritime security threats will certainly find a suitable

response in the 21st century .

REFERENCES

- Chen,C.Y.(2015). *Research on Pacific Ocean Non-traditional Security Cooperation -- From the Perspective of Coping with Traditional Security Means*.(Doctoral dissertation).Retrieved from <http://www.doc88.com/p-3532929051903.html>
- Wang,X.(2018).*Research on Legal Regulation of Non-traditional Maritime Safety Behaviors*.(Master dissertation).Retrieved from <https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CMFD&dbname=CMFD201802&filename=1018094845.nh&v=MzIwNzZyV00xRnJDVVI3cWZZZVJvRmlEa1dyN0tWRjI2RnJPed0bk1xcEViUElSOGVYMUx1eFITN0RoMVQzcVQ=>
- Liu,H.Q.(2016).*Research on Legal Regulation of Non-traditional Maritime Safety Behaviors*.(Doctoral dissertation).Retrieved from <https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CDFD&dbname=CDFDLAST2017&filename=1017039133.nh&v=Mjk4OTk4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlllUm9GaURoVjc3TVZGMjZHYk83RjlEUHJKRWJQSVI=>
- Song,H.H.(2011).*Master's thesis of Maritime Non-traditional Security and International Cooperation*.(Master dissertation).Retrieved from <https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CMFD&dbname=CMFD2011&filename=1011091325.nh&v=MzEyNTJGaURoVmIvTFZGMjZIN094SDlMT3FwRWJQSVI4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlllUm8=>
- Ma,J.H.(2012). *Research on the Coordination and Regulation of the Dual Nature of International law and Domestic Law of Piracy*.(Doctoral dissertation).Retrieved from <https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CDFD&dbname=CDFD1214&filename=1013242548.nh&v=MTYzNDdTN0RoMVQzcVRyV00xRnJDVVI3cWZZZVJvRmlEaFc3M01WRjI2SGJHOEhOVElwnUViUElSOGVYMUx1eFk=>
- Zheng, G.P. & Liu,X.Z.(2010).Analysis of Global Pirate Attacks in the Past Five Years and Countermeasures for Pirate Hotspots. *Shipping Journal*, 2010(07),34-36.Retrieved from <https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLA>

ST2019&filename=HSZG201907015&v=MDkyNzdXTTFGckNVUjdxZlllUm9GeW5rVXJyTExUN1JhYkc0SDlqTXFJOUVZWVI4ZVgxTHV4WVM3RGgxVDNxVHI=

Sun,M.J.(2019)*Research on The Early Warning and Strategic Game of Non-traditional Security Risks of Maritime Freight Channel*. (Doctoral dissertation). Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CDFD&dbname=CDFDLAST2019&filename=1019037217.nh&v=MzI0NTc3ektWRjI2RjdPN0dkUE5xSkViUElSOGVYMUxleFlTN0RoMVQzcVRyV00xRnJDVVI3cWZZZVJvRnlu a1U=>

Lv,J. & Wang,S.(2015). Research on Safety Evaluation of Key Nodes in China's Maritime Transport, *Transportation System Engineering and Information*, 2015(02), 31-34. Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLAST2015&filename=YSXT201501007&v=MDg5MTdXTTFGckNVUjdxZlllUm9GeW5rVnJ2UFBEN1Rlckc0SDIUTXJvOUZZNFI4ZVgxTHV4WVM3RGgxVDNxVHI=>

Ge,H.L.(2020).Contribution and Insufficiency of Emerging Countries' Participation in Global Maritime Security Governance, *Strategic Decision-making Research*, 2020(01), 46-58. Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLAST2020&filename=ZLJC202001003&v=MDkxOTk4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlllUm9GeW5rVkwzQlB5SEJiYkc0SE5ITXJvOUZaNFII=>

Wu,X.F. & Xu,Y.(2017).Maritime Network Security: Cross-border Challenges of Shipping and Shipbuilding industry, *China Shipping Survey*, 2017(02), 42-44. Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLAST2017&filename=ZGCJ201707015&v=MTMwNzVrVmIzT1B5cklaTEc0SDliTXFJOUVZWVI4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlllUm9GeW4=>

Zhang,L. & Zhang,J.H.(2019).Research on Ransom Insurance Compensation for Pirates, *Chinese Journal of Maritime Law*,2019(04) , 93-100. Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLAST2019&filename=ZGCJ201904001&v=MTMwNzVrVmIzT1B5cklaTEc0SDliTXFJOUVZWVI4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlllUm9GeW4=>

ST2020&filename=ZGHS201904010&v=MDk4NTM0OUVaSVI4ZVgxTHV4WVM3RGgxVDNxVHJXTTFGckNVUjdxZlIlUm9GeW5rV3IvT1B5ckRmYkc0SDlqTXE=

Cai,Q.H.(2016).*Research on Legal Issues of Private Armed Security Escorts*.(Master dissertation).Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CMFD&dbname=CMFD201602&filename=1016718431.nh&v=MjE5MTdJUjhlWDFMdXhZUzdEaDFUM3FUcldNMUZyQ1VSN3FmWWVSb0Z5bm1XcjdJVkYyNkdMUzVGdFhQcnBFY1A=>

Mo,S.J.(2015).On the Conflict and Coordination of Piracy Crime Internationality and Piracy Crime Punishment Nationality.*Contemporary law*,2015(03),16-30.Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLA ST2015&filename=DDFX201503002&v=MjUwMzhSOGVYMUx1eFITN0RoMVQzcVRyV00xRnJDVVI3cWZZZVJvRnlublU3dkxJU25OZHJHNEg5VE1ySTlGWm8=>

Wang,S.M.(2019).Seeking for a more moderate behavior—Comment on “Research on the Coordination of Dual Attributes of International and Domestic Laws on Piracy”.*Research on Financial and Economic Issues*,2019(05).Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CJFQ&dbname=CJFDLA ST2019&filename=CJWT201905019&v=Mjk5NDk5ak1xbzlfYlISOGVYMUx1eFITN0RoMVQzcVRyV00xRnJDVVI3cWZZZVJvRnlublZMdkpKaWZjZXJHNEg=>

Li,S.W.(2013).*Research on China's Petroleum Trade Maritime Safety Risk Assessment and Countermeasures from the Perspective of Supply Chain*.(Master dissertation).Retrieved from

<https://kns.cnki.net/KCMS/detail/detail.aspx?dbcode=CMFD&dbname=CMFD201402&filename=1013367582.nh&v=MDA3NDZZUzdEaDFUM3FUcldNMUZyQ1VSN3FmWWVSb0Z5amtWci9JVkYyNkhiQytHZFRFcldFYlBJUjhlWDFMdXg=>

